

All communications respecting this case should identify it by number and names of parties.



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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patentee: Toole
Serial No.: 07/010,085
Filed: 04/11/86
For: NOVEL PROCOAGULANT
PROTEINS
Accorded Benefit: Serial No.
06/725,350, filed 04/12/85

Patent No. 4,868,112, issued
09/19/89

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 F.R. 48416, 1050 O.G. 385). The interference is designated as No. 103215.

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

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The cases involved in this interference are:

Junior Party

Patentee: John J. Toole, Jr.

Address: 27 Lakeville Road, Jamaica Plain, MA 02130

Serial No.: 07/010,085 filed 04/11/86, now Patent No. 4,868,112,
issued 09/19/89

For: NOVEL PROCOAGULANT PROTEINS

Assignee: Genetics Institute, Inc., a corp. of DE

Attorneys of Record: David L. Bernstein, Bruce M. Eisen and Mary
E. Bak

Associate Attorney: none

Accorded Benefit of: Serial No. 06/725,350, filed 04/12/85

Address: David L. Bernstein
c/o Genetics Institute, Inc.
87 Cambridge Park Drive
Cambridge, MA 02140-2387

Senior Party

Applicants: Gordon A. Vehar, Daniel J. Capon, Richard M. Lawn,
William I. Wood, Cornelia M. Gorman, Dan L. Eaton
and Arthur D. Levinson

Addresses: 110 Leslie Drive, San Carlos, CA 94070
817 Oregon Avenue, San Mateo, CA 94402
1927 8th Avenue, San Francisco, CA 94116
1400 Tarrytown Street, San Mateo, CA 94402
124 Belvedere Street, San Francisco, CA 94117
41 Knollwood Drive, San Rafael, CA 94901
500 Remillard, Hillsborough, CA 94010

Serial No.: 07/584,076 filed 09/18/90

For: HUMAN FACTOR VIII VARIANTS WITH TRUNCATED B DOMAINS

SH H7 80

Assignee: Genentech, Inc., South San Francisco, CA

Attorneys of Record: Carolyn R. Adler, Janet E. Hasak, Walter E. Buting, Ginger R. Dreger, Debra Glaister, Max D. Hensley, Dennis G. Kleid, Nancy Oleski, Stephen Raines and Daryl B. Winter

Associate Attorney: none

Accorded Benefit of: Serial Nos. 06/602,312, filed 04/20/84 (ABN), 06/907,297, filed 09/12/86 (ABN) and 07/083,758, filed 08/07/87, now Patent No. 4,965,199 issued 10/23/90

Address: Janet E. Hasak
460 Point San Bruno Blvd.
South San Francisco, CA 94080

COUNT 1

A recombinant DNA which upon expression results in a truncated factor VIII protein which is an active procoagulant wherein the recombinant DNA encodes for a protein having the amino acid sequence of a human factor VIII:C except for having a deletion corresponding to at least 581 amino acids or at least 807 amino acids within the region between Arg-759 and Ser-1709 wherein the amino acid numbering is with reference to Met-1 of the human factor VIII:C leader sequence.

The claims of the parties which correspond to Count 1 are:

Toole: Claims 1-9
Vehar et al.: Claims 38, 41, 51-53

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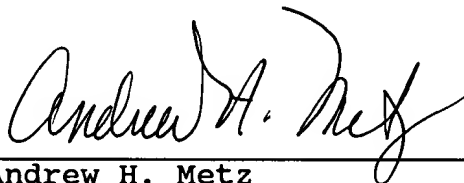
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COUNT 2

An isolated and purified human factor VIII variant having a deletion of amino acids within the region from residue 741 to residue 1689, inclusive, wherein the amino acid numbering is with reference to Ala-1 of the mature human factor VIIIC sequence.

The claims of the parties which correspond to Count 2 are:

Toole: Claims 10, 11
Vehar et al.: Claims 22-30, 47, 54-55



Andrew H. Metz
Administrative Patent Judge
(703) 603-3374

yrt

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